

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|---------------------------|---|-------------------|
| CINCINNATI INSURANCE CO., | : | |
| | : | NO. 1:00-CV-00965 |
| Plaintiff, | : | |
| | : | |
| | : | ORDER |
| v. | : | |
| | : | |
| | : | |
| SHANTRAN LOGISTICS, INC. | : | |
| dba SHAN-TRAN LOGISTICS, | : | |
| <u>et al.</u> , | : | |
| | : | |
| Defendants. | : | |

On April 15, 2004, the Court entered an Order granting default judgment in Plaintiff Cincinnati Insurance Company's ("CIC") favor against a number of Defendants in the instant action (doc. 46). In so doing, the Court expressly noted that the Plaintiff's indemnity claim against Defendant Mike McDevitt ("McDevitt") still remained for consideration in the case. Although the Plaintiff had indicated to the Magistrate Judge that it would proceed against McDevitt by way of summary judgment motion within a short time thereafter, it failed to do so. Accordingly, on August 16, 2004, the assigned Magistrate Judge issued a show cause order (doc. 47) instructing the Plaintiff to show cause within 14 days why the action should not be dismissed for failure to prosecute. On August 25, 2004, Plaintiff responded by presenting the Court with notice of McDevitt's filing of bankruptcy in the United States Bankruptcy Court for the Southern District of

Ohio on July 21, 2004, Case No. 04-15786 (doc. 48). In light of this showing, the assigned Magistrate Judge issued a Report and Recommendation (doc. 49) recommending that the Court find the show cause order satisfied and that the matter be stayed pursuant to 11 U.S.C. § 362(a) and administratively closed, subject to subsequent reopening. No objections thereto have been filed.

Having reviewed the Report and Recommendation de novo pursuant to 28 U.S.C. § 636, the Court finds it to be well reasoned and proper. Accordingly, the Magistrate Judge's Report and Recommendation (doc. 49) is hereby ADOPTED IN ITS ENTIRETY. The Court finds that the aforementioned Order to Show Cause (doc. 47) is hereby SATISFIED. This matter is hereby STAYED pursuant to 11 U.S.C. § 362(a). The Clerk is instructed to administratively close this case for reporting purposes, subject to reopening by the parties upon disposition of Defendant McDevitt's underlying bankruptcy action.

SO ORDERED.

Dated: November 23, 2004

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge